



March 3, 2006

Board of Assessors  
15 Middlefield Road  
Chester, MA 01011

Re: Personal Property Abatement Application on Percent of Personal Use and Wedding Business  
Our File No. 2006-69

Dear Board Members:

You have asked how you may be able to request proof of a claim of 50% personal use of equipment also used in a part-time construction business that is not incorporated. The principal owners of the business also have full time jobs out of town not related to the construction business. You have also asked whether a privately owned church that has been unused but will now be used for private weddings would be entitled to a religious exemption.

We have confirmed that Beck's Construction Company is not a corporation listed in our corporations list. See GL c. 58, §2. You have also indicated that individuals with other full-time jobs own the company. The equipment assessed consists of construction equipment, such as an excavator, bobcat, lathe, and skid steer. The taxpayers claim the equipment is used on their own property for clearing, similar to the business use in excavating land.

Even if the owners use the equipment on their own property, it is still fully taxable as personal property, since no exemption from taxation would appear to apply to it. Under GL c. 59, §2 and GL c. 59, §18, First, all personal property situated in Chester is subject to taxation and assessment by the board of assessors unless an exemption is otherwise provided by law. No exemption is provided for property held for personal use, per se. For example, personal property at a second home, such as a vacation home, is fully taxable, even if solely used personally by the owner.

GL c. 59, §5, cl. 20 does provide specific exemptions for household furnishings and effects at a person's domicile, which includes garage or stable accessories. However, that does not include construction or excavating machinery, even if it may be used on the extended property that is a person's domicile. In addition, since the taxpayer admits the machinery is used 50% in the excavating business, such use is inconsistent with being a household furnishing and effect. Thus, the machinery would be taxable on its full value.

With respect to the privately owned wedding chapel, no exemption would apply for the real estate or personal property kept therein. Under GL c. 59, §5, cl. 10 & 11, the personal property, house of religious worship and parsonage of a religious organization, or such property held in trust for a religious organization, would be exempt from property tax. However, that exemption does not apply to personal property or real estate owned by someone other than a religious organization that may be used for religious purposes. In this case it appears that members of a family own the property and intend to use it in a wedding business. That is not ownership by or in trust for a religious organization and the property would not be exempt.

If there are further questions, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kathleen Colleary', written in a cursive style.

Kathleen Colleary, Chief  
Bureau of Municipal Finance Law

KC/GAB